

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Cc: [REDACTED]
Subject: Thoughts On Creator's Rights
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The Copyright Alliance has informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator.

I am a 38 year old professional illustrator living and working in Pittsburgh, PA. Due to the nature of my job as a freelance illustrator, my work is being shipped to, printed, and distributed to various parts of the country. Naturally, I cannot be everywhere at all times to investigate if my work is being infringed upon. And sadly, discovering that an art director, a publisher, or some other company has used your image without your permission and without compensation is all too common. There may be little that can be done to prevent this from happening, but illustrators and other creatives at least have the law on our side when we make such discoveries. Often times, a Cease & Desist letter prevents the issue from going to court.

Copyright infringement is theft of money. For every act of copyright infringement, however big or small, there is some specified amount of money that is being denied what rightfully should go to the creator of that work.

At the same time, there is an enormous amount of money being collected overseas from royalties that are due to American illustrators, but illustrators have no collection agency tasked with accepting these monies. And so it sits there in the U.S. Copyright Clearance Center while some of us struggle paycheck to paycheck, hoping that next job comes in really soon.

Article I, Section 8 of the U.S. Constitution secures a time frame for the creator/author to profit from his/her work. And so what can the U.S. Government do to better protect my rights as a creator?

I believe there are two things our U.S. Government can do to protect my rights as an illustrator.

(1) I would like to see the U.S. Government help the illustration community establish a collection agency to receive all the money that is has been waiting to be distributed to us. Other countries are playing by the rules, paying their dues to us, but on our side, we're not able to receive these monies.

(2) At this time, the most urgent act that our government can take is preventing the passage of the proposed "Orphan Works" legislation in Congress right now (H.R. 5889). This legislation will effectively dismantle the security that has protected artists for over two centuries. There are too many details about that bill, too many points to be made about it to go into it here. The provisions are written so broadly, and with no constraint, that could very well "orphan" the work of any art being created today. This legislation greatly benefits anyone wishing to use artwork for their business needs, but at great peril to the artist's personal business, erasing the security of copyright protection given to us from the U.S. Constitution.

I appreciate the Obama administration offering us the opportunity to voice our concerns and our realities about working artists.

Respectfully submitted,

Rick Antolic
Pittsburgh, Pennsylvania
Illustrator